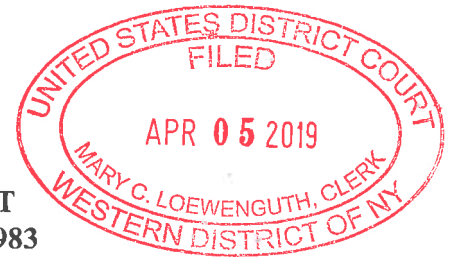


Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)**



All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

**1. CAPTION OF ACTION**

**A. Full Name And Prisoner Number of Plaintiff:** *NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. Gregory Ramos (110864 ICN) (17-B-1422 DIN) (132881 ID#)

2. \_\_\_\_\_

-VS-

**B. Full Name(s) of Defendant(s)** *NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. Richard Hy, Buffalo Police officer 4. \_\_\_\_\_

2. John Beyer, Buffalo Police officer 5. \_\_\_\_\_

3. Amber Beyer, Buffalo Police Captain 6. \_\_\_\_\_

**2. STATEMENT OF JURISDICTION**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** *NOTE: To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: Gregory Ramos 132881 DIN 17-B-1422

Present Place of Confinement & Address: Niagara County Correctional Facility 5526 Niagara St. Ext Lockport, NY 14094 ; UPSTATE CF 309 Barehill rd. Malone NY 12953 .

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION** NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Richard Hy  
(If applicable) Official Position of Defendant: officer of Buffalo Police Department  
(If applicable) Defendant is Sued in / Individual and/or / Official Capacity  
Address of Defendant: Buffalo Police Presinct 74 franklin st. Buffalo, NY 14202

Name of Defendant: John Beyer  
(If applicable) Official Position of Defendant: officer of Buffalo Police Department  
(If applicable) Defendant is Sued in / Individual and/or / Official Capacity  
Address of Defendant: Buffalo Police Presinct 74 franklin st. Buffalo, NY 14202

Name of Defendant: Amber Beyer  
(If applicable) Official Position of Defendant: Captain of Buffalo Police Department  
(If applicable) Defendant is Sued in / Individual and/or / Official Capacity  
Address of Defendant: Buffalo Police Presinct 74 franklin st. Buffalo NY 14202

**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes      No /

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:  
Plaintiff(s): \_\_\_\_\_  
Defendant(s): \_\_\_\_\_
2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_
3. Docket or Index Number: \_\_\_\_\_
4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

\_\_\_\_\_ Dismissed (check the box which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to exhaust administrative remedies;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

**B. Have you begun any other lawsuits in federal court which relate to your imprisonment?**

Yes \_\_\_\_\_ No /

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. District Court: \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of District or Magistrate Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

       Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

       Judgment upon motion or after trial entered for

- plaintiff
- defendant.

## **5. STATEMENT OF CLAIM**

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include **all** possible claims.)

- |                    |                        |                                 |
|--------------------|------------------------|---------------------------------|
| • Religion         | • Access to the Courts | • Search & Seizure              |
| • Free Speech      | + • False Arrest       | + • Malicious Prosecution       |
| • Due Process      | + • Excessive Force    | + • Denial of Medical Treatment |
| • Equal Protection | + • Failure to Protect | • Right to Counsel              |

**Please note that** it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

## **Exhaustion of Administrative Remedies**

Note that according to **42 U.S.C. § 1997e(a)**, "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

**A. FIRST CLAIM:** On (date of the incident) August 14.2015,  
 defendant (give the **name and position held** of each defendant involved in this incident) Officer Richard Hy  
Officer John Beyer, Captain Amber Beyer

did the following to me (briefly state what each defendant named above did): Aug. 14.15 officer Hy & officer Beyer followed me for two blocks, then turned the patrol sirens on, in fear of my life I tried to avoid patrol car of Hy & Beyer at that point all other patrol cars stopped but Hy & Beyer viciously attempted to ram my vehicle off over a school curb in an attempt to get attention of on looking resident I bailed from vehicle in a familiar area officer Hy ram patrol car into fence to run me over I proceeded into Backyard where both Hy & Beyer attacked me on the ground Lt. Beyer came.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: False arrest, Excessive force, failure to protect.

The relief I am seeking for this claim is (briefly state the relief sought): \$50,000 from defendants reimbursement for vehicle and lawyer fees.

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? ☐ Yes ☐ No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? ☐ Yes ☐ No If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: Decisions in both city of Buffalo court and federal court have been acquitted and dismissed (Docket# CR14678-15-B)(16-CR-74-LJV-MJR)

**A. SECOND CLAIM:** On (date of the incident) August 14.2015 - March 22.2017,  
 defendant (give the **name and position held** of each defendant involved in this incident) Aug. 14.15 after

officer Beyer & Hy viciously attack me and on-lookers stop them by telling police they were being recorded they drag me out backyard and

did the following to me (briefly state what each defendant named above did): throw me into a police car where at that time I'm screaming for help Lt. Amber Beyer approached laughing and told me if my eyeball falls out she would tape it to my face and that would be the only medical attention I would receive. At that point officers Beyer & Hy Drove to a parking lot where I sat cuffed for 3 to 4 hours until they drove to Central Booking where officer Beyer attended screening and told booking I was in a car accident which was false. Court date after Court date officers Beyer & Lt. Beyer appeared and

lied.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Malicious Prosecution, Denial of medical treatment, failure to protect, false arrest, cruel and unusual punishment.

The relief I am seeking for this claim is (briefly state the relief sought): seeking relief for anxiety, duress suffering and damages \$100,000 also time compensation.

#### **Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? ☐ Yes ☐ No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? ☐ Yes ☐ No If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: Decisions in both city & federal courts have been acquitted and dismissed. (CR-14678-15-B) (16-CR-74-LJV-MJR)

If you have additional claims, use the above format and set them out on additional sheets of paper.

#### **6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on April 2, 2019 GR  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Gregory Ramon

\_\_\_\_\_  
Signature(s) of Plaintiff(s)

Gregory Ramos 132881  
5526 Niagara St. Extension  
P.O. Box 496  
Lockport, NY 14094

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